



Ontario: Revised Statutes

1960

c 262 Niagara Parks Act

Ontario

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Bibliographic Citation

Niagara Parks Act, SO 1966, c 262

Repository Citation

Ontario (1960) "c 262 Niagara Parks Act," *Ontario: Revised Statutes*: Vol. 1960: Iss. 3, Article 40.

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CHAPTER 262

The Niagara Parks Act

1. In this Act,

Interpre-
tation

- (a) "Commission" means The Niagara Parks Commission, a corporation constituted under *The Queen Victoria Niagara Falls Park Act, 1887*, c. 13 and taking its present name under *The Niagara Parks Act, 1927*; 1927, c. 24
- (b) "Parks" means Queen Victoria Park, Queenston Heights Park, Niagara River Parkways, Butlers' Burying Ground, Drummond Hill Burying Ground and Lundy's Lane Battle Field and Cemetery and all other land heretofore or hereafter vested in or placed under the control of the Commission, including roads and boulevards and any interest in land and land covered with water. R.S.O. 1950, c. 253, s. 1.

2.—(1) The Commission is continued as a corporation with the objects, powers and duties prescribed in this Act. R.S.O. 1950, c. 253, s. 2 (1). Commission
continued

(2) The Commission shall be composed of not more than eleven members appointed by the Lieutenant Governor in Council, three of whom shall be appointed annually as follows: one the member of the council of the county of Welland who is designated by that council, one the member of the council of the county of Lincoln who is designated by that council and the third the member of the council of the city of Niagara Falls who is designated by that council. 1951, c. 57, s. 1 (1). Composition

(3) The Lieutenant Governor in Council may designate one of the members of the Commission as chairman. R.S.O. 1950, c. 253, s. 2 (3). Chairman

(4) Vacancies in the membership of the Commission may be filled by the Lieutenant Governor in Council, but where the vacancy is in the office of one of the designated members, the person appointed to fill the vacancy shall be the member of the council of the municipality that designated his predecessor, who is designated by that council. R.S.O. 1950, c. 253, s. 2 (4); 1951, c. 57, s. 1 (2). Vacancies

Compensation

(5) The members of the Commission are not entitled to receive any remuneration or other compensation for their services except their actual expenses.

Members of assembly
R.S.O. 1960,
c. 208

(6) Notwithstanding *The Legislative Assembly Act*, any member of the Assembly may be appointed as a member of the Commission and is entitled to act as such without thereby vacating or forfeiting his seat or incurring any other penalty for sitting or voting as a member of the Assembly. R.S.O. 1950, c. 253, s. 2 (5, 6).

General powers and duties

3. It is the duty of the Commission to manage, control and develop the Parks and to further these objects the Commission may,

- (a) lay out, plant and enclose the Parks;
- (b) construct and pull down buildings and structures;
- (c) construct and operate incline railways, aerial cars, lifts and works to assist the public in reaching and viewing the points of interest in the Parks;
- (d) construct or acquire by purchase, lease or otherwise and operate bridges over the Niagara River, and for that purpose enter into agreement with any authority having control of the territory beyond the International Boundary required for any such bridge, or enter into agreement for the joint construction and operation by the Commission and such authority of any such bridge;
- (e) construct and operate golf courses, bowling greens and swimming pools;
- (f) construct and operate restaurants, refreshment booths and stands for the sale of souvenirs and other wares;
- (g) construct and maintain toilet and other facilities for the convenience of the public;
- (h) acquire and operate buses and other vehicles for use in connection with the Parks;
- (i) acquire and operate boats for use in connection with the Parks;
- (j) operate a school for the training of apprentice gardeners;
- (k) make agreements with persons with respect to the establishment or operation by them of any works or services in connection with the Parks;

- (l) appoint such auditors, officers, clerks, keepers, gardeners and other persons as may be required;
- (m) receive and take from any person by grant, gift, devise, bequest or otherwise, any property, real or personal, or any interest therein;
- (n) make grants of money and provide services for educational purposes or for any purpose that may serve to publicize or foster interest in the Parks; and
- (o) make such by-laws, rules and orders as may be deemed expedient for the constitution of the Commission and the administration of its affairs and do such other things as may be necessary or advisable to properly exercise its powers and discharge its duties. R.S.O. 1950, c. 253, s. 3.

4.—(1) With the approval of the Lieutenant Governor in Council the Commission may borrow money to meet its indebtedness accruing due, or for purchasing or otherwise acquiring real or personal property, or making improvements, or for any other purpose of the Commission, and may issue bonds, debentures, notes or other securities to provide for the repayment of any moneys so borrowed, and such securities may be payable at such times and in such manner and at such place or places in Canada or elsewhere, and may bear such interest as the Commission may deem proper.

(2) The Lieutenant Governor in Council may authorize the Treasurer of Ontario for and on behalf of Ontario to guarantee the payment of any securities issued by the Commission for any of the purposes mentioned in subsection 1. R.S.O. 1950, c. 253, s. 4.

5. The Lieutenant Governor in Council may, subject to such conditions as he may deem proper, vest in the Commission any portion of the foreshore or bed of the Niagara River or land covered with water in the Niagara River that lies in front of the Parks and that is the property of the Crown in right of Ontario. R.S.O. 1950, c. 253, s. 5.

6. Subject to the approval of the Lieutenant Governor in Council, the Commission may,

- (a) acquire by purchase, lease or otherwise;
 - (b) without the consent of the owner, enter upon, take and expropriate; and
 - (c) sell or otherwise dispose of,
- any land or any interest in land. R.S.O. 1950, c. 253, s. 6.

Expropria-
tion
R.S.O. 1960,
c. 338

7.—(1) The Commission in the exercise of its powers to take land compulsorily has all the powers conferred by *The Public Works Act* on the Minister of Public Works in relation to a public work, and in the application of this section where the words "the Minister", "the Department" or "the Crown" appear in such Act they mean, where the context permits, the Commission.

Procedure

(2) The Commission shall proceed in the manner provided by *The Public Works Act* where the Minister of Public Works enters upon, takes or uses land or property for the use of Ontario and all the provisions of that Act apply *mutatis mutandis*.

Mode of
perfecting
title

(3) Upon the deposit in the proper registry or land titles office of a plan and description of the land acquired by the Commission, signed by the chairman of the Commission and by an Ontario land surveyor, the land so described thereupon vests in the Commission. R.S.O. 1950, c. 253, s. 7.

Highways

8.—(1) Notwithstanding any general or special Act, the Lieutenant Governor in Council may vest any highway in any municipality in the Commission and thereafter the Commission has exclusive jurisdiction over it.

Idem

(2) The Commission and the corporation of any municipality may enter into agreement as to the acquisition by the Commission or by the municipality of any highway or any land therefore or as to the establishing, laying out, opening, grading, paving, altering, constructing, reconstructing, maintaining or repairing of any highway, including the cost or the apportionment of the cost of the same and the payment thereof.

Compensa-
tion payable
by municipa-
lity

(3) Every agreement entered into under subsection 2 shall provide that the cost of any lands acquired pursuant thereto and all compensation payable in respect of such acquisition or for injurious affection to lands by reason of any work undertaken under any such agreement shall be borne and paid solely by the corporation of the municipality entering into the agreement. R.S.O. 1950, c. 253, s. 8.

Controlled
access
highways

9.—(1) The Lieutenant Governor in Council may designate any portion of any of the highways, roads, boulevards or parkways of the Commission as a controlled access highway.

Regulations

(2) The Lieutenant Governor in Council may, in respect of any portion of any such highway, road, boulevard or parkway so designated, make any regulation that he may make in respect of controlled access highways under *The Highway Improvement Act*. R.S.O. 1950, c. 253, s. 9.

R.S.O. 1960,
c. 171

10.—(1) The Commission may enter into agreement with the corporation of any municipality that adjoins or is within three miles of the lands of the Commission as to any work of any of the characters or descriptions mentioned in *The Local Improvement Act*, and the Commission may agree to contribute any sum towards the cost of any work undertaken, either in cash or by annual or other instalments or otherwise, but the Commission is not liable in any way for assessment under *The Local Improvement Act*, for the cost of any such work, whether the lands abut directly on the work or otherwise, and the lands remain exempt from assessment and taxation.

Local
Improve-
ment works

R.S.O. 1960,
c. 223

(2) It is not necessary to submit any agreement entered into under this section for the assent of the electors of the municipality, nor is it necessary to receive the assent of the electors of the municipality for the issue of debentures to defray the cost of the work undertaken under any such agreement. R.S.O. 1950, c. 253, s. 10.

Assent of
electors not
required

11. *The Public Vehicles Act* applies to the highways and public places of the Commission except that as to such highways and public places the Commission shall be deemed to be substituted for the Department of Highways and for the Lieutenant Governor in Council, and the licence fees and tolls and the penalties imposed under that Act shall be payable to the Commission. R.S.O. 1950, c. 253, s. 11.

Application
of R.S.O.
1960, c. 387

12.—(1) Subject to any order of the Lieutenant Governor in Council, the Commission may continue to collect the revenues and rentals payable or collectable under the several agreements made between the Commission and the Canadian Niagara Power Company, Limited, the Ontario Power Company, the Electrical Development Company of Ontario, Limited and The Hydro-Electric Power Commission of Ontario.

Collection
of water
revenues
and rentals

(2) The Commission, with the approval of the Lieutenant Governor in Council, may,

Agreements
with com-
panies as to
developing
power

- (a) enter into agreement with any person to take water from the Niagara River or from the Niagara and Welland Rivers, at points within the Parks, for the purpose of enabling such person to generate power within the Parks, and to conduct and discharge the water through and across the Parks or otherwise in such manner, for such rental, and upon such terms and conditions as may be embodied in the agreement, and any such agreement may include provisions as to the removal or demolition of any

buildings or structures and the re-erection of the same, or the erection of other buildings or structures; and

(b) renegotiate any existing agreement for the development of power from the Niagara River.

Confirma-
tion of
agreement

(3) No agreement entered into or renegotiated under subsection 2 becomes operative until it is confirmed by resolution of the Assembly. R.S.O. 1950, c. 253, s. 12.

Bridges over
Niagara
River

13. With the approval of the Lieutenant Governor in Council, the Commission, upon terms to be agreed upon, may grant any rights over or in respect of lands of the Commission that may be required for the purpose of building any new bridge over the Niagara River or of confirming the present occupation of land by any presently existing bridge company, but nothing in this section authorizes the granting of any such rights over or in respect of Queen Victoria Park. R.S.O. 1950, c. 253, s. 13.

Application
of revenue

14.—(1) All moneys received by the Commission shall be applied in the discharge of its duties and obligations.

Surplus
money

(2) Any surplus moneys shall, on the order of the Lieutenant Governor in Council, be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. R.S.O. 1950, c. 253, s. 14.

Books of
account

15. The Commission shall cause books to be kept and true and regular accounts to be entered therein of all moneys received and paid and of the several purposes for which the same were received and paid, and such books shall be open to the inspection of any member of the Commission, the Treasurer of Ontario or any person appointed by the Commission or Treasurer for that purpose, and any such person may make copies of or take extracts from the books. R.S.O. 1950, c. 253, s. 15.

Security
by officers

16. Every person who is entrusted by the Commission with the custody or control of money in the course of his employment shall give security in the manner and form provided by *The Public Officers Act*. R.S.O. 1950, c. 253, s. 16.

R.S.O. 1960,
c. 326

Audit

17. The books and records of the Commission shall be examined annually by the Provincial Auditor or such other auditor as may be designated by the Lieutenant Governor in Council. R.S.O. 1950, c. 253, s. 17.

18.—(1) The Commission shall after the close of each ^{Annual} fiscal year of the Commission file with the Provincial Secretary ^{report} an annual report setting forth the revenue and expenditure of the year as shown by the audited statement and such other matters as may appear to be of public interest in relation to the Parks or as the Lieutenant Governor in Council may direct.

(2) The Provincial Secretary shall submit the report to the Lieutenant Governor in Council and shall then lay the ^{to be laid before} report before the Assembly ^{Assembly}, if it is in session, or if not, at the next ensuing session. R.S.O. 1950, c. 253, s. 18.

19.—(1) The Commission, with the approval of the Regulations Lieutenant Governor in Council, may make regulations,

- (a) regulating and governing the use by the public of the Parks and the works, vehicles, boats, services and things under the jurisdiction of the Commission;
- (b) providing for the protection and preservation from damage of the property of the Commission;
- (c) prescribing tolls for the occupation and use of Park lands and works, vehicles, boats, golf courses, bowling greens, swimming pools and services under the jurisdiction of the Commission, for opening and closing graves or any class thereof in any cemetery in the Parks, and for entrance to places of historical and scenic interest or any other occupation or uses of a similar nature;
- (d) prescribing permits designating privileges in connection with the use of the Parks or any part thereof and prescribing fees for such permits;
- (e) regulating and governing vehicular and pedestrian traffic in the Parks or any part thereof and prohibiting the use of any class or classes of vehicles in the Parks or any part thereof;
- (f) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices in the Parks or within one-quarter mile of any part thereof;
- (g) licensing, regulating and governing taxi-cabs and other vehicles for hire and the owners and drivers thereof, and prescribing fees for such licences;
- (h) licensing, regulating and governing guides and prescribing fees for such licences;

(i) prescribing terms and conditions under which horses, dogs and other animals may be allowed in the Parks or any part thereof;

(j) for imposing fines not exceeding \$100 for any breach of any regulation.

Offences

R.S.O. 1960,
c. 387

(2) Any offence against any regulation made under this Act is punishable under *The Summary Convictions Act* and the fines for any such offence are payable to the Commission. R.S.O. 1950, c. 253, s. 19.

Rights of
interment
not affected

20. Nothing in this Act authorizes the interference with any right to inter the body of any deceased person in any burying ground vested in the Commission and nothing in this Act confers the right to remove any body there interred. R.S.O. 1950, c. 253, s. 20.
